

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN ZAYAS, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs

- against -

10TH AVENUE KOSTAS LLC and B & N  
RESTAURANT INC.

Defendants

17 Civ. 5933 (GBD)

CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of civil Procedure.

1. An Initial pretrial conference will be held on **Wednesday, January 10, 2018 at 9:30 a.m.** at the United States District Courthouse, 500 Pearl Street, New York, New York, Courtroom 11A.
2. No Additional parties may be joined after **March 5, 2018**.
3. No amendment to the pleadings will be permitted after **March 5, 2018**.
4. Except for good cause shown, all **discovery** shall be commenced in time to be completed by **May 3, 2018**. The court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 days period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
5. Identification of expert witness shall be by **April 2, 2018**.
6. Expert reports shall be disclosed by **May 3, 2018**. Rebuttal reports shall be disclosed within 30 days after the other party's disclosure.
7. Depositions of expert witnesses shall be completed by **June 4, 2018**.
8. **Dispositive motions** are to be served by **July 9 2018**. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
- 9.. A final **pretrial conference** will be held on \_\_\_\_\_, **2018** at \_\_\_\_\_.

9.. A final **pretrial conference** will be held on \_\_\_\_\_, 2018 at \_\_\_\_\_.

10. The **Joint Pretrial Order** shall be filed no later than \_\_\_\_\_, 2018. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.

11. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.

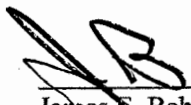
12. The parties shall be **ready for trial** within 48 hours, notice on or after \_\_\_\_\_, 2018. The estimated trial time is 3 days, and this is a jury trial.


13. A **Subsequent Case Management Conference** will be held on \_\_\_\_\_, 2018.

Dated: January 3, 2018  
New York, New York

SO ORDERED:

\_\_\_\_\_  
George B. Daniels  
United States District Judge

  
\_\_\_\_\_  
James E. Bahamonde, Esq.  
Law Offices of James E. Bahamonde, PC  
Attorney for Plaintiff

  
\_\_\_\_\_  
Daniel Lynch  
Attorney for Defendants